



A management guide for the
retention of e-mail records
for Montana State Government

Montana State
Records Committee
Helena, MT
1998

Montana E-Mail Guidelines

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Based on
Electronic and Voice Mail:
A Management Guide for Maine State Government
by the Maine State Archives,
Augusta, ME
1997

This document provides guidance to agencies regarding the record status of, and management approaches to, e-mail in Montana state government. It outlines legal requirements, types of records, and practical management options.

The transition from binding retention schedules adopted by the State Records Committee to effective records management in the office is difficult enough with paper. In the electronic world, the challenge is often greater. This guide is intended to ease that transition from formal mandate to practical application.

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What Is E-Mail?

E-mail is just another form that state records come in these days. Formally it is “a document created or received on an electronic mail system, including brief notes, formal correspondence, or substantive narrative documents, and any attachments, such as word processing and other electronic documents, which may be transmitted with the message.

E-mail received (incoming) or created (outgoing) in the course of state business is an official public record according to 2-6-202, M.C.A. and, according to 2-6-212, M.C.A., “no public record may be disposed of or destroyed without the unanimous approval of the State Records Committee,” therefore clear authorization and a practical management system are essential to ensure the proper disposition of official e-mail records. Some e-mail (e.g., junk mail, publications) are not records and may be deleted at any time. See details on this later in this publication.

How Long Should I Keep E-Mail?

Just as long as you keep any other mail. E-mail is subject to the same retention requirements as traditional paper correspondence. The State Records Committee’s “General Records Retention Schedules” establish retention periods for correspondence, *regardless of media*.

While destruction is strongly recommended at the end of the retention period, each agency may determine when actual destruction is appropriate after the expiration of the retention period. These policies are not different from what has been in place for years. What *is* new is our attempt to properly manage one segment of the new electronic records environment.

Non-permanent retention is based completely on the record’s time-value to the business functions of the agency, including audit or other statutory requirements, and reasonable access by interested parties. *Permanent* retention is based on the record’s value—administrative, legal, fiscal, or research—after it no longer serves the agency’s business needs.

Generally, senior administrators have a greater proportion of permanently-valuable e-mail, given its greater degree of policy content. The vast majority of state employees will have little, if any, e-mail requiring permanent retention.

Why Should I Care How Long I Keep It?

To make your life easier! If you can delete unneeded e-mail with a clear conscience, you can more easily find what you're looking for, especially if you have popped the "keepers" in convenient folders or mailboxes.

Organizing and managing e-mail (and other files) will save space, provide more efficient access, maintain confidentiality where needed, reduce legal exposure in discovery proceedings on records that properly should have been destroyed. It also limits your own liability for deleting records you shouldn't and gives you authority to delete those files you should delete.

When an employee leaves a position, computer files, including e-mail, may NOT be automatically deleted! Since deletion must follow the applicable retention schedules, proper management of files will make this task easier. Be sure the user's password—for local files as well as network access—is deposited and updated with your systems administrator or other designated person.

Not all e-mail systems provide automatic backup of your correspondence. Those that do are not substitutes for the user's file management since backups are destroyed periodically and they do not distinguish topics or retention periods. **Each user is responsible for proper retention.** Check with your e-mail system manager about policies regarding automatic deletion of messages from that system.

O.K. What Do I Do?

Follow the advice in the rest of this guide and seek technical help from your e-mail system manager. Then, if you have any questions about the retention requirements of specific records, contact the State Archives at 444-4775 or the State Records Management Bureau at 444-9000.

Basically, it's pretty simple. First, figure out what in your e-mail are *non-record* materials; create special mailboxes/directories/folders for them; then delete them any time you want. Second, identify those records that have some official capacity and need to be retained for a specified period.

Non-Record Materials: Delete at Will

The following are materials (not records) that may be deleted at any time, unless they become part of some official record as a result of special circumstances.

Notices Not Maintained

Since a document must be maintained by, or in the custody of, an agency to be an official record, notices with no business value after receipt and review, which are routinely discarded, are non-record material. Examples are:

- *incoming* transmittal/cover messages that do not add information to that contained in the transmitted material (“enclosed please find copies of”);
- unofficial employee activities (parties, softball games, etc.);
- internal office announcements (“Ms. Jones is here to see you,” “Joe Smith called, please call back,” “is this afternoon’s meeting still on?”);
- quasi-official notices (notices of holidays, charity appeals, etc.);
- junk mail (listserv messages, other than those you post *in your official capacity*).

Publications

Publications, promotional material from vendors, and similar materials that are publicly available to anyone are not official records unless specifically incorporated into other official records. For example, a publication submitted to a legislative committee as an exhibit becomes part of the official records of that committee, or reviews of a product included in your proposal to your boss become part of the official purchasing record.

Publications that may be destroyed as non-records include unsolicited promotional material (“spam”), files copied or downloaded from Internet sites for reference, etc. These items may be immediately deleted, or maintained in a “non-record” mailbox/directory/folder and deleted later, just as you might trash the unwanted publication or promotional flyer that comes via the regular mail.



Official Records: Retain as Required

The information received via e-mail runs from the consequential to the trivial. The essence of managing this information resides in its value. It is dependent upon the user of the e-mail services to know what should be retained and what can be destroyed. The value of the information will determine its retention. The retention period categories will be SHORT, MEDIUM duration, and PERMANENT. When in doubt as to which category the information falls, refer to the General Retention Schedule in the MOM's Manual, Chapter 1-800 or 1-1300 depending on which version of the manual is available to you, plus your agency's approved retention schedule for records unique to your function.

Non-Permanent Retention:

Short term: Transitory correspondence, while part of state government business, is purely informational with a very short time-value. Examples include:

- *outgoing* transmittal/cover messages that do not add information to that contained in the transmitted material, routine questions and answers that require no administrative action, no policy decision, and no special compilation or research for reply, such as copies of correspondence on which no documented administrative action was taken;
- memoranda and correspondence generated by another agency and kept by your agency for reference purposes only.

These types of records should be kept for at least 30 days and then until no longer needed.

Medium duration: These records tend to fall into the categories defined in current retention schedules. The clue in these instances, is primarily the attachment which has been prepared in a word processing system. The e-mail information becomes an enhancement to the document attached. In some cases, to save time and more efficiently distribute information, the entire document is encompassed in the e-mail format and therefore becomes a record. Examples would include attachments or transaction data relating to: contracts, grievance procedures, medical information, results of hearings, rationale for policy, defined procedures, regulatory guidelines, etc. ***Retention time for these kinds of records generally span from three to five years. Check your retention schedules for exact retention periods.***

Permanent Retention

E-mail documenting state policy or the policy process is a prime candidate for permanent retention. Records with permanent value include, but are not limited to:

- records documenting state policy;
- records documenting the policy process (minutes of meetings, transcripts of selected hearings, etc.);
- records of vital public information (births and deaths, corporate charters, critical environmental data and reports, etc.);
- correspondence and memoranda that document how the office is organized and how it functions; its pattern of action and decision-making; its policies, procedures, and achievements; and that serve to substantiate the accountability of the office.

These types of messages are permanent and should be printed and filed with the agency's regular paper files and, after three years, transferred to the State Archives.

An E-Mail Management System

Mailboxes/Folders/Directories

In addition to the IN and OUT boxes, which come with your mail system, you have the option of creating other mailboxes and folders. After brief periods in your IN-OUT boxes, messages should be transferred to other boxes, based on business and retention requirements. Here are some mailbox suggestions:

Non-record material	[delete at will]
Transitory e-mail	[delete after 30 days]
Permanent e-mail	[delete only after paper copy is made]

Distribution Lists

If you send to a distribution list (not a listserv, but a specified list of individuals), you must also keep a copy of the members of that list for as long as you are required to keep the message itself. It is of little value to know that a "Security Alert" notice went to "Swat Team 7" without knowing whether Arnold S. was on the list that received the message. Nicknames present a similar problem. Make sure everyone on the distribution list can be identified by someone not familiar with the list.

Subject Lines

Fill in the subject line on all of your e-mail messages, both to help your recipient identify and file messages and to help you file your OUT box messages that must be retained for some period.

Frequently Asked Questions . . .

About E-Mail Retention

Can I print messages, then delete them?

Yes, provided you print the following information with the message: name of sender, name of recipient, date and time of transmission and/or receipt. You then retain the printed message according to the appropriate records retention schedule, file them as suits your business needs, destroy those that have gone through the records disposal process, and transfer permanent records to the State Archives, depending on the final disposition listed on the schedule.

What about draft documents that undergo several revisions?

Draft documents or working papers that are circulated via e-mail, that propose or evaluate high-level policies or decisions and provide unique information that contributes to the understanding of major decisions of the agency should be preserved permanently.

Other drafts circulated for comment, which demonstrate significant revisions in the view of the author, should be scheduled as is the final product.

Uncirculated drafts may be destroyed at will by the author.

What do I do with attachments I receive with e-mail?

File them with other electronic documents on your PC or network and apply the appropriate retention schedule. The principles of directory and file organization used in e-mail should be followed for content files (documents, databases, spreadsheets). If you have a "Projects\Workflow\1996" folder in your e-mail system and another or similar one on your PC, transfer attachments relevant to that project to your PC.

What about multiple copies of the same document?

If another agency has responsibility for keeping the "record copy," and if you have no business need to retain it, the document is simply a duplicate copy (a non-record) and subject to deletion at will.

For example, minutes of meetings you attend may be destroyed at will. The secretary or other responsible person in the organization, committee, or task force must retain the minutes permanently. (Unless, of course, you are the secretary.)

State Policy on Personal Use of E-Mail

The state-provided e-mail, internet, intranet, and related services are ***not to be used for private, recreational, or personal activities*** or “for-profit” or “non-profit” activities.

The state provided e-mail, internet, intranet, and related services are to be used for:

- the conduct of state and local government business and delivery of government services;
- transmitting and sharing of information among governmental, research, and educational organizations;
- supporting open research and education in and between national and international research and instructional institutions;
- communicating and exchanging professional information;
- encouraging debate of issues in a specific field of expertise;
- applying for or administering grants or contracts;
- announcing requests for proposals and bids;
- announcing new services for use in research or instruction;
- and conducting other appropriate state business.

Functional Requirements for Recordkeeping Systems

An electronic recordkeeping system is one in which records are collected, organized, and categorized to facilitate their preservation, retrieval, use, and disposition. The following general guidelines should be considered by state agencies as they approach the management of automated office records, including e-mail:

- Recordkeeping systems must allow for the grouping of related records, to ensure their proper context.
- Recordkeeping systems must make records accessible to authorized staff, to ensure their usefulness to the agency.
- Recordkeeping systems must preserve records for their authorized retention period, to ensure their availability for agency use, to preserve the rights of the government and the citizens, and to allow agencies to be held accountable for their actions.

Appendix I: Definitions

Electronic mail system. A computer application used to create, receive, and transmit messages and other documents. Excluded from this definition are file transfer utilities, databases, and word processing documents not transmitted on an e-mail system.

Electronic mail message. A document created or received on an electronic mail system, including brief notes, formal correspondence, or more substantive narrative documents, and any attachments, such as word processing and other electronic documents, which may be transmitted with the message.

Non-record. Non-record material is e-mail that does not fit the definition of a record, such as incoming transmittal messages, internal office announcements with limited time value, publications, incoming listserv messages, unsolicited promotional material, and other items not associated with official business.

Record. The short version is: All documentary material, regardless of media or characteristics, made or received and maintained by a state government agency in accordance with law and rule or in the transaction of its official business. The legal version is: “Any paper, correspondence, form, book, photograph, microfilm, magnetic tape, computer storage media, map, drawing, or other document, including all copies thereof, regardless of physical form or characteristics, that has been made or received by a state agency in connection with the transaction of official business and preserved for informational value or as evidence of a transaction and all other records or documents required by law to be filed with or kept by any agency of the state of Montana.” (2-6-202, M.C.A.)

Record copy. A single copy of a record retained by its custodian as the official record of a government transaction and in accordance with the appropriate records schedule. All other copies are duplicate copies, held for convenience, and may be destroyed as non-records.

Records schedule. A listing of records retention periods formally adopted by the State Records Committee and binding on all government employees. *(For a copy of the General Records Retention Schedule or an agency-specific schedule, contact the State Records Management Bureau at 444-9000).*

End Note

No, you do not need to keep all of your e-mail on your system long-term! But neither should you be deleting everything when you feel like it. E-mail should be treated like any other mail: trash the junk quickly but keep the important stuff as long as appropriate and print-out anything of enduring value. Electronic records are as official as any other type of record, with already established retention requirements.

“Gosh, does that mean I have to make a decision—like what’s important and what’s not?” Yep. But, once you look at the guidelines and your agency’s retention schedules, you quickly see that most e-mail for most folks is expendable in a short period. By setting up a rational mailbox/ directory/ folder system, users can simplify the decision-making process. And, since network storage is not free, careful e-mail management should reduce the stress on that storage.

Realizing that this is a new challenge for all of us as we just try to get through the day and not mistakenly delete important material, the State Records Management Bureau and the State Archives will respond to agency requests to clarify these policies, offer management suggestions, and identify which records need to be kept for a specific period.

For a copy of your agency’s specific retention schedules, contact your agency’s records manager. If your agency does not have a records manager or does not have agency-specific records retention schedules, contact the State Records Management Bureau at 444-9000.

Resist the temptation to save it all “just to be safe.” Not only will we all drown in an electronic tidal wave, saving outdated material may cause more trouble than it avoids. If records regarding a transaction may be destroyed in five years, but are not, they may be subject to discovery in a legal proceeding years later. That means more time trying to find the records and dealing with their long-forgotten meaning. A court will look for proof that records were properly destroyed. This means according to a legal retention schedule, with a properly-signed records disposal request. This protects the staff, the agency, and the state.